

**REMARKS**

Initially, Applicants filed an Information Disclosure Statement (IDS) on February 6, 2008. The Examiner returned a copy of the Form PTO-1449 that accompanied the IDS. On that Form PTO-1449, the Examiner did not indicate that the non-patent document, cited on the Form PTO-1449, was considered (namely, the copy of the final Office Action issued in U.S. Patent Application No. 09/942,625). Applicants request that the Examiner consider this document and indicate that the document was considered by initialing the Form PTO-1449 and returning a copy of the initialed Form PTO-1449 with the next communication.

In the non-final Office Action, the Examiner rejected claims 1-57, 59, and 61-63 under 35 U.S.C. § 103(a) as unpatentable over Sundqvist (U.S. Patent Application Publication No. 2001/0023445) in view of Vega-Garcia et al. (U.S. Patent No. 7,151,749).

By this Amendment, Applicants cancel claim 45 without prejudice or disclaimer, amend claims 40-44 to improve form, and add new claim 64. Applicants respectfully traverse the Examiner's rejection under 35 U.S.C. § 103. Claims 1-44, 46-57, 59, and 61-64 are pending.

In paragraphs 1-25 of the Office Action, the Examiner rejected pending claims 1-44, 46-57, 59, and 61-63 under 35 U.S.C. § 103(a) as allegedly unpatentable over Sundqvist in view of Vega-Garcia et al. Applicants traverse the rejection.

As an initial matter, Applicants note that the Vega-Garcia et al. reference has a filing date after the filing date of Applicants' application. The Vega-Garcia et al.

reference was filed on January 22, 2002, which is after the November 26, 2001 filing date of Applicants' application. The Vega-Garcia et al. reference claims priority to a provisional application that was filed on June 14, 2001. ***Thus, the Vega-Garcia reference is only available as a reference under 35 U.S.C. § 102(e) for what is disclosed in the provisional application.***

Independent claim 1, for example, is directed to a system comprising a memory configured to store data associated with a plurality of incoming streams of different speeds; an interface controller comprising a first arbitration element to arbitrate among the streams to store the data in the memory, the first arbitration element including a number of first entries, one of the first entries indicating which of the streams is to be serviced in a particular first time slot, the streams being assigned to the first entries based on the speeds of the streams; and a dispatch unit comprising a second arbitration element to arbitrate among the streams to read the data from the memory, the second arbitration element including a number of second entries, one of the second entries indicating which of the streams is to be serviced in a particular second time slot, the streams being assigned to the second entries based on the speeds of the streams.

Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 1. For example, Sundqvist and Vega-Garcia et al. do not disclose or suggest an interface controller that comprises a first arbitration element to arbitrate among a plurality of streams of different speeds to store data in a memory, where the first arbitration element includes a number of first entries, one of the first entries indicates which of the streams is

to be serviced in a particular first time slot, and the streams are assigned to the first entries based on the speeds of the streams, as recited in claim 1.

The Examiner alleged that Sundqvist discloses these features and cited paragraph 0042 of Sundqvist for support (Office Action, paragraph 1). Applicants submit that Sundqvist provides no support for the Examiner's allegation.

At paragraph 0042, Sundqvist discloses applications (real-time and non real-time applications) that share the available bandwidth on a channel. Nowhere in paragraph 0042, or elsewhere, does Sundqvist disclose or suggest anything that can reasonably correspond to a first arbitration element that includes a number of entries, let alone, an interface controller that comprises a first arbitration element to arbitrate among a plurality of streams of different speeds to store data in a memory, where the first arbitration element includes a number of first entries, one of the first entries indicates which of the streams is to be serviced in a particular first time slot, and the streams are assigned to the first entries based on the speeds of the streams, as recited in claim 1. Rather, Sundqvist discloses determining an amount of bandwidth required by a real-time application and controlling the non real-time application flows in order to guarantee that the real-time application gets the required amount of bandwidth (paragraph 0051).

Vega-Garcia et al. also does not disclose or suggest an interface controller that comprises a first arbitration element to arbitrate among a plurality of streams of different speeds to store data in the memory, where the first arbitration element includes a number of first entries, one of the first entries indicates which of the streams is to be serviced in a particular first time slot, and the streams are assigned to the first entries based on the

speeds of the streams, as recited in claim 1. Rather, Vega-Garcia et al. discloses a quality control system that constantly monitors networking conditions, computes the available bandwidth for outgoing streams, and dynamically alters the setting for audio and video outgoing streams to provide stream smoothness and minimize jitter and delay (page 1, section 4). Thus, the disclosure of Vega-Garcia et al. does not cure the deficiencies in the disclosure of Sundqvist.

Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, also do not disclose or suggest a dispatch unit that comprises a second arbitration element to arbitrate among the streams to read the data from the memory, where the second arbitration element includes a number of second entries, one of the second entries indicates which of the streams is to be serviced in a particular second time slot, and the streams are assigned to the second entries based on the speeds of the streams, as further recited in claim 1.

The Examiner admitted that Sundqvist does not disclose or suggest these features (Office Action, paragraph 1). The Examiner alleged that Vega-Garcia et al. discloses a quality control mechanism that performs three primary functions, including: (1) computing the available bandwidth for outgoing data streams, (2) dynamically selecting an optimal audio codec to be used for outgoing audio streams, and (3) dynamically selecting an optimal bandwidth and frame rate for outgoing video streams (Office Action, paragraph 1). Regardless of the accuracy of the Examiner's interpretation of Vega-Garcia et al., the Examiner has not established that Vega-Garcia et al. discloses or suggests a dispatch unit that comprises a second arbitration element to arbitrate among the streams

to read the data from the memory, where the second arbitration element includes a number of second entries, one of the second entries indicates which of the streams is to be serviced in a particular second time slot, and the streams are assigned to the second entries based on the speeds of the streams, as recited in claim 1. Thus, the Examiner has not established a prima facie case of obviousness with regard to claim 1.

There is simply nothing in Vega-Garcia et al. that reasonably corresponds to a second arbitration element to arbitrate among the streams to read the data from the memory, let alone a dispatch unit that comprises a second arbitration element to arbitrate among the streams to read the data from the memory, where the second arbitration element includes a number of second entries, one of the second entries indicates which of the streams is to be serviced in a particular second time slot, and the streams are assigned to the second entries based on the speeds of the streams, as recited in claim 1.

For at least these reasons, Applicants submit that claim 1 is patentable over Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination. Claims 2-20, 59, and 62 depend from claim 1 and are, therefore, patentable over Sundqvist and Vega-Garcia et al. for at least the reasons given with regard to claim 1. Claims 2-20, 59, and 62 are also patentable over Sundqvist and Vega-Garcia et al. for reasons of their own.

For example, claim 2 recites that the memory includes a plurality of memory buckets corresponding to the streams. Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or suggest this feature. The Examiner alleged that Sundqvist discloses this feature and cited column 28, line 65 -

column 29, line 3, of Sundqvist for support (Office Action, paragraph 3). Applicants note that there is not a column 28 or a column 29 in the disclosure of Sundqvist. Thus, the Examiner has not established a prima facie case of obviousness with regard to claim 2.

For at least these additional reasons, Applicants submit that claim 2 is patentable over Sundqvist and Vega-Garcia et al. Claim 3 depends from claim 2 and is, therefore, also patentable over Sundqvist and Vega-Garcia et al. for at least the reasons given with regard to claim 2.

Claim 4 recites that each of the first entries includes a stream number that identifies one of the streams. Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or suggest this feature. The Examiner alleged that Sundqvist discloses this feature and cited paragraph 0053 of Sundqvist for support (Office Action, paragraph 5). Applicants submit that Sundqvist provides no support for the Examiner's allegation.

At paragraph 0053, Sundqvist discloses that the FCA decides if and how much a non real-time application should be reduced based on information received from a real-time application about the bandwidth that the real-time application is going to need. There is nothing in this section of Sundqvist that reasonably corresponds to a stream number. Thus, Sundqvist does not disclose or suggest that each of the first entries includes a stream number that identifies one of the streams, as recited in claim 4.

For at least these additional reasons, Applicants submit that claim 4 is patentable over Sundqvist and Vega-Garcia et al. Claims 6-8 depend from claim 4 and are,

therefore, also patentable over Sundqvist and Vega-Garcia et al. for at least the reasons given with regard to claim 4.

Claim 5 recites that the number of the first entries in the first arbitration element is programmable. Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or remotely suggest this feature.

The Examiner alleged that Vega-Garcia et al. discloses this feature and cited column 8, lines 1-15, of Vega-Garcia et al. for support (Office Action, paragraph 6). Applicants submit that Vega-Garcia et al. does not support the Examiner's allegation.

At column 8, lines 1-15, Vega-Garcia et al. discloses a quality control mechanism that performs three functions, including: (1) computing the available bandwidth for outgoing data streams, (2) dynamically selecting an optimal audio codec to be used for outgoing audio streams, and (3) dynamically selecting an optimal bandwidth and frame rate for outgoing video streams. Nowhere in this section, or elsewhere, does Vega-Garcia et al. disclose or remotely suggest a first arbitration element that includes a number of first entries, let alone that the number of the first entries in the first arbitration element is programmable, as recited in claim 5.

For at least these additional reasons, Applicants submit that claim 5 is patentable over Sundqvist and Vega-Garcia et al.

Claim 9 recites that the first and second arbitration elements are synchronized. Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or suggest this feature. The Examiner alleged that Vega-Garcia et al. discloses this feature and cited column 12, lines 1-15, of Vega-Garcia et al. for support

(Office Action, paragraph 10). Applicants submit that Vega-Garcia et al. provides no support for the Examiner's allegation.

At column 12, lines 41-55, Vega-Garcia et al. discloses that various codecs reported by devices are ordered, and that the devices negotiate between one another to select a mutual codec preference and order. Nowhere in this section, or elsewhere, does Vega-Garcia et al. disclose or suggest a first arbitration element or a second arbitration element, as recited in claim 1, let alone first and second arbitration elements that are synchronized, as recited in claim 9.

For at least these additional reasons, Applicants submit that claim 9 is patentable over Sundqvist and Vega-Garcia et al.

Claim 10 recites that each of the second entries includes a stream number that identifies one of the streams. Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or suggest this feature. The Examiner alleged that Vega-Garcia et al. discloses this feature and cited column 7, lines 40-49, of Vega-Garcia et al. for support (Office Action, paragraph 11). Applicants submit that Vega-Garcia et al. provides no support for the Examiner's allegation.

At column 7, lines 40-49, Vega-Garcia et al. discloses means for enhancing the experience of users of devices engaged in a real-time communication session. Nowhere in this section, or elsewhere, does Vega-Garcia et al. disclose or remotely suggest a second arbitration element that includes a number of second entries, let alone that each of the second entries includes a stream number that identifies one of the streams, as recited in claim 10.



For at least these additional reasons, Applicants submit that claim 10 is patentable over Sundqvist and Vega-Garcia et al. Claim 12 depends from claim 10 and is, therefore, also patentable over Sundqvist and Vega-Garcia et al. for at least the reasons given with regard to claim 10.

Claim 11 recites that the number of the second entries in the second arbitration element is programmable. Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or remotely suggest this feature.

The Examiner alleged that Vega-Garcia et al. discloses this feature and cited column 7, lines 40-49, of Vega-Garcia et al. for support (Office Action, paragraph 12). Applicants submit that Vega-Garcia et al. provides no support for the Examiner's allegation.

At column 7, lines 40-49, Vega-Garcia et al. discloses means for enhancing the experience of users of devices engaged in a real-time communication session. Nowhere in this section, or elsewhere, does Vega-Garcia et al. disclose or remotely suggest a second arbitration element that includes a number of second entries, let alone that the number of the second entries in the second arbitration element is programmable, as recited in claim 11.

For at least these additional reasons, Applicants submit that claim 11 is patentable over Sundqvist and Vega-Garcia et al.

Claim 13 recites flow control logic configured to initiate flow control on the storing of data in the memory. Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or suggest this feature. The Examiner

alleged that Sundqvist discloses this feature and cited paragraph 0053 of Sundqvist for support (Office Action, paragraph 14). Applicants submit that Sundqvist provides no support for the Examiner's allegation.

At paragraph 0053, Sundqvist discloses that the FCA decides if and how much a non real-time application should be reduced based on information received from a real-time application about the bandwidth that the real-time application is going to need. Nowhere in this section does Sundqvist disclose a memory configured to store data associated with a plurality of incoming streams of different speeds and, therefore, Sundqvist cannot disclose or suggest flow control logic configured to initiate flow control on the storing of data in the memory, as recited in claim 13.

For at least these additional reasons, Applicants submit that claim 13 is patentable over Sundqvist and Vega-Garcia et al. Claims 14-18 depend from claim 13 and are, therefore, also patentable over Sundqvist and Vega-Garcia et al. for at least the reasons given with regard to claim 13.

Claim 19 recites that each of the streams has an associated watermark for performing flow control on the storing of data in the memory. Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or suggest this feature. The Examiner alleged that Sundqvist discloses this feature and cited paragraph 0053 of Sundqvist for support (Office Action, paragraph 20). Applicants submit that Sundqvist provides no support for the Examiner's allegation.

At paragraph 0053, Sundqvist discloses that the FCA decides if and how much a non real-time application should be reduced based on information received from a real-

time application about the bandwidth that the real-time application is going to need. Nowhere in this section does Sundqvist disclose or suggest a watermark for performing flow control, let alone that each of a plurality of streams has an associated watermark for performing flow control on the storing of data in memory, as recited in claim 19.

For at least these additional reasons, Applicants submit that claim 19 is patentable over Sundqvist and Vega-Garcia et al.

Claim 20 recites that each of the streams has two associated watermarks for performing flow control on the storing of data in the memory. Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or suggest this feature. The Examiner alleged that Sundqvist discloses this feature and cited paragraph 0053 of Sundqvist for support (Office Action, paragraph 21). Applicants submit that Sundqvist provides no support for the Examiner's allegation.

At paragraph 0053, Sundqvist discloses that the FCA decides if and how much a non real-time application should be reduced based on information received from a real-time application about the bandwidth that the real-time application is going to need. Nowhere in this section does Sundqvist disclose or suggest a watermark for performing flow control, let alone each of a plurality of streams that has two associated watermarks for performing flow control on the storing of data in memory, as recited in claim 20.

For at least these additional reasons, Applicants submit that claim 20 is patentable over Sundqvist and Vega-Garcia et al.

Claim 59 recites that at least one of the first arbitration element or the second arbitration element is configured to be reprogrammed when the speed of one of the

streams changes. Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or remotely suggest this feature.

The Examiner alleged that Vega-Garcia et al. discloses this feature, and cited column 7, lines 40-49, of Sundqvist for support (Office Action, paragraph 24). Applicants submit that Vega-Garcia et al. provides no support for the Examiner's allegation.

At column 7, lines 40-49, Vega-Garcia et al. discloses means for enhancing the experience of users of devices engaged in a real-time communication session. Nowhere in this section, or elsewhere, does Vega-Garcia et al. disclose or suggest a first or second arbitration element, let alone that at least one of a first arbitration element or a second arbitration element is configured to be reprogrammed when the speed of one of the streams changes, as recited in claim 59.

For at least these additional reasons, Applicants submit that claim 59 is patentable over Sundqvist and Vega-Garcia et al.

Claim 62 recites that the at least one of the first arbitration element or the second arbitration element is reprogrammed to change the number of the first or second entries assigned to the one of the streams. Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or remotely suggest this feature.

The Examiner alleged that Vega-Garcia et al. discloses this feature, and cited column 7, lines 40-49, of Sundqvist for support (Office Action, paragraph 25). Applicants submit that Vega-Garcia et al. provides no support for the Examiner's allegation.

At column 7, lines 40-49, Vega-Garcia et al. discloses means for enhancing the experience of users of devices engaged in a real-time communication session. Nowhere in this section, or elsewhere, does Vega-Garcia et al. disclose or suggest a first or second arbitration element, let alone that at least one of the first arbitration element or the second arbitration element is reprogrammed to change the number of the first or second entries assigned to the one of the streams, as recited in claim 62.

For at least these additional reasons, Applicants submit that claim 62 is patentable over Sundqvist and Vega-Garcia et al.

Independent claim 21 is directed to a method comprising storing data from a plurality of streams of potentially different speeds in a memory using a first arbitration scheme that stores data associated with a faster one of the streams in the memory at a higher rate than data associated with a slower one of the streams; and reading the data from the memory using a second arbitration scheme that reads the data associated with the faster one of the streams from the memory at a higher rate than the data associated with the slower one of the streams.

Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 21. For example, Sundqvist and Vega-Garcia et al. do not disclose or suggest storing data from a plurality of streams of potentially different speeds in a memory using a first arbitration scheme that stores data associated with a faster one of the streams in the memory at a higher rate than data associated with a slower one of the streams, as recited in claim 21. *The Examiner did not address these features of claim 21 (Office Action,*

*paragraph 1) and, therefore, did not establish a prima facie case of obviousness with regard to claim 21.* If the Examiner maintains this rejection of claim 21, Applicants request that the Examiner specifically identify what portion(s) of Sundqvist and/or Vega-Garcia et al. allegedly disclose these features of claim 21.

Sundqvist and Vega-Garcia et al. also do not disclose or suggest reading the data from the memory using a second arbitration scheme that reads the data associated with the faster one of the streams from the memory at a higher rate than the data associated with the slower one of the streams, as further recited in claim 21. *The Examiner also did not address these features of claim 21 (Office Action, paragraph 1) and, therefore, did not establish a prima facie case of obviousness with regard to claim 21.* If the Examiner maintains this rejection of claim 21, Applicants request that the Examiner specifically identify what portion(s) of Sundqvist and/or Vega-Garcia et al. allegedly disclose these features of claim 21.

For at least these reasons, Applicants submit that claim 21 is patentable over Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination. Claims 22-39, 61, and 63 depend from claim 21 and are, therefore, patentable over Sundqvist and Vega-Garcia et al. for at least the reasons given with regard to claim 21. Claims 22-39, 61, and 63 also recite features similar to, but possibly different in scope from, features recited in claims 2-20, 59, and 62. Claims 22-39, 61, and 63 are, therefore, also patentable over Sundqvist and Vega-Garcia et al. for at least reasons similar to reasons given with regard to claims 2-20, 59, and 62.

Independent claim 40 is directed to a system for performing flow control on data in a plurality of incoming streams of variable speeds. The system comprises a buffer configured to temporarily store data from a plurality of streams of variable speeds in a plurality of entries, a counter configured to determine a number of entries in the buffer corresponding to each of the streams, and a comparator configured to compare the determined number of entries, for one of the streams, to a watermark and determine whether to initiate flow control for the one of the streams based on a result of the comparison, where the watermark is particular to the one of the streams and independent of another watermark set for another one of the streams.

Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 40. For example, Sundqvist and Vega-Garcia et al. do not disclose or suggest a counter that is configured to determine a number of entries in the buffer corresponding to each of the streams of variable speeds. ***The Examiner did not address this feature of claim 40 (Office Action, paragraph 1) and, therefore, did not establish a prima facie case of obviousness with regard to claim 40.***

When rejecting a feature in claim 16, however, the Examiner alleged that Sundqvist discloses a counter that is configured to determine a number of entries in a buffer corresponding to each of the streams, and cited paragraph 0053, of Sundqvist for support (Office Action, paragraph 17). Applicants submit that Sundqvist provides no support for the Examiner's allegation.

At paragraph 0053, Sundqvist discloses that the FCA decides if and how much a non real-time application should be reduced based on information received from a real-time application about the bandwidth that the real-time application is going to need. Nowhere in this section does Sundqvist disclose or remotely suggest a counter that is configured to determine a number of entries in the buffer corresponding to each of the streams of variable speeds, as recited in claim 40.

Sundqvist and Vega-Garcia et al. also do not disclose or suggest a comparator configured to compare the determined number of entries, for one of the streams, to a watermark and determine whether to initiate flow control for the one of the streams based on a result of the comparison, where the watermark is particular to the one of the streams and independent of another watermark set for another one of the streams, as further recited in claim 40. ***The Examiner did not address this feature of claim 40 (Office Action, paragraph 1) and, therefore, did not establish a prima facie case of obviousness with regard to claim 40.***

When rejecting a feature in claim 16, however, the Examiner alleged that Sundqvist discloses a comparator configured to determine whether to initiate flow control for each of the streams based on the determined number of entries for the stream and cited paragraph 0056 of Sundqvist for support (Office Action, paragraph 17). Without acquiescing in the Examiner's allegation, Applicants submit that Sundqvist does not disclose or suggest a comparator configured to compare the determined number of entries, for one of the streams, to a watermark and determine whether to initiate flow control for the one of the streams based on a result of the comparison, where the



watermark is particular to the one of the streams and independent of another watermark set for another one of the streams, as recited in claim 40.

At paragraph 0056, Sundqvist discloses picking up a packet and processing the packet based on whether the packet is associated with a real-time or non real-time application flow. Nowhere in this section, or elsewhere, does Sundqvist disclose or suggest a comparator configured to determine whether to initiate flow control for one of the streams of variable speeds based on a result of a comparison of the number of entries, for the one of the streams, to a watermark, let alone a comparator configured to compare the determined number of entries, for one of the streams, to a watermark and determine whether to initiate flow control for the one of the streams based on a result of the comparison, where the watermark is particular to the one of the streams and independent of another watermark set for another one of the streams, as further recited in claim 40.

For at least these reasons, Applicants submit that claim 40 is patentable over Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination. Claims 41-44, 46, and 47 depend from claim 40 and are, therefore, patentable over Sundqvist and Vega-Garcia et al. for at least the reasons given with regard to claim 40.

Independent claims 48 and 55 recite features similar to, but possibly different in scope from, features recited in claim 40. Claims 48 and 55 are, therefore, patentable over Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 40. Claims 49-54 depend from claim 48 and are, therefore, patentable over Sundqvist and Vega-Garcia et al. for at least the reasons given with regard to claim 48.

Independent claim 56 is directed to a network device that comprises an input interface configured to receive a plurality of packets belonging to a plurality of streams of differing speeds, access a first arbitration scheme that services a faster one of the streams more often than a slower one of the streams, and output the packets based on the first arbitration scheme; input logic comprising flow control logic configured to initiate flow control on the packets output by the input interface, a memory configured to store the packets from the input interface, and a dispatch unit configured to access a second arbitration scheme that services the faster one of the streams more often than the slower one of the streams, and read the packets from the memory based on the second arbitration scheme; and one or more packet processors configured to process the packets from the dispatch unit.

Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 56. For example, Sundqvist and Vega-Garcia et al. do not disclose or suggest an input interface configured to, among other things, access a first arbitration scheme that services a faster one of the streams more often than a slower one of the streams and output packets based on the first arbitration scheme, for at least reasons similar to reasons given with regard to claim 21.

Sundqvist and Vega-Garcia et al. also do not disclose or suggest a dispatch unit configured to access a second arbitration scheme that services the faster one of the streams more often than the slower one of the streams, and read packets from the memory

based on the second arbitration scheme, as further recited in claim 56, for at least reasons similar to reasons given with regard to claim 21.

For at least these reasons, Applicants submit that claim 56 is patentable over Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination.

Independent claim 57 is directed to a network device that comprises means for receiving a plurality of packets belonging to a plurality of streams of potentially different speeds; means for storing the packets based on a first arbitration scheme that stores the packets based on the speeds of the streams to which the packets belong; means for performing flow control on the storing of the packets; means for reading the packets based on a second arbitration scheme that reads the packets based on the speeds of the streams to which the packets belong; and means for processing the packets read based on the second arbitration scheme.

Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 57. For example, Sundqvist do not disclose or suggest means for storing the packets based on a first arbitration scheme that stores the packets based on the speeds of the streams to which the packets belong. The Examiner did not specifically address this feature (Office Action, paragraph 1). Therefore, the Examiner did not establish a prima facie case of obviousness with regard to claim 57.

Sundqvist and Vega-Garcia et al. also do not disclose or suggest means for reading the packets based on a second arbitration scheme that reads the packets based on the speeds of the streams to which the packets belong, as further recited in claim 57. The

Examiner did not specifically address this feature (Office Action, paragraph 1).

Therefore, the Examiner did not establish a prima facie case of obviousness with regard to claim 57.

For at least these reasons, Applicants submit that claim 57 is patentable over Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination.

New claim 64 depends from claim 55 and is, therefore, patentable over Sundqvist and Vega-Garcia et al., whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 55.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of pending claims 1-44, 46-57, 59, and 61-64.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons for modifying a reference and/or combining references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute these assertions/requirements in the future.

If the Examiner does not believe that all pending claims are now in condition for allowance, the Examiner is urged to contact the undersigned to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & HARRITY, L.L.P.

By: /Paul A. Harrity, Reg. No. 39574/  
Paul A. Harrity  
Reg. No. 39,574

Date: February 20, 2009

11350 Random Hills Road  
Suite 600  
Fairfax, Virginia 22030  
(571) 432-0800  
Customer No. 44987